

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

871C0261

HOUSE BILL NO. 1064

Introduced by: The Committee on Judiciary at the request of the Chief Justice

1 FOR AN ACT ENTITLED, An Act to revise the court automation surcharge in civil actions,
2 small claims proceedings, criminal actions, and proceedings before the Supreme Court.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 16-2-39 be amended to read as follows:

5 16-2-39. In each civil action, other than small claims actions, proceeding for judicial remedy,
6 and probate proceeding, the clerk of courts shall collect the sum of ~~five~~ fifteen dollars as a unified
7 judicial system court automation surcharge. In each small claims action, the clerk of courts shall
8 collect as a unified judicial system court automation surcharge the sum of three dollars if the
9 amount in controversy is less than four thousand dollars and five dollars if the amount in
10 controversy is four thousand dollars or more. The surcharge shall be collected from the plaintiff
11 or person instituting the action or proceeding at the time of filing the first paper. The surcharge
12 shall be collected by the clerk in the manner in which other fees are collected. However, the
13 surcharge may not be collected in any civil action or proceeding for judicial remedy commenced
14 by the state, a county, a municipality, or a school district.

15 Section 2. That § 16-2-41 be amended to read as follows:

16 16-2-41. In each criminal action, in addition to any other liquidated costs, penalty,
17 assessment, or fine provided by law, there shall be levied a unified judicial system court

automation surcharge ~~in the amount of five dollars on each conviction for the following~~
according to the following schedule:

(1) ~~Violation of state statutes or administrative rules having criminal penalties, or~~

~~(2) Violation of county or municipal ordinances~~ or administrative rules having criminal
penalties, five dollars and fifty cents;

(2) Violation of state statute classified as a Class 2 misdemeanor, eight dollars and fifty
cents;

(3) Violation of a state statute classified as a Class 1 misdemeanor, fifteen dollars and fifty
cents;

(4) Violation of a state statute classified as a felony, twenty-five dollars and fifty cents.

Section 3. That chapter 16-2 be amended by adding thereto a NEW SECTION to read as
follows:

In each appeal, intermediate appeal, original proceeding, or other action filed in the Supreme
Court, the clerk of the court shall collect the sum of twenty dollars as a unified judicial system
court automation surcharge. However, the surcharge may not be collected in any proceeding
commenced in the Supreme Court by the state, a county, a municipality, or a school district.